

1999

## Utah v. Beason : Unknown

Utah Court of Appeals

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**FILED**

Utah Court of Appeals

JAN 19 2000

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January 18, 2000

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Utah Court of Appeals  
450 South State Street  
P.O. Box 140230  
Salt Lake City, Utah 84114-0230

Re: State of Utah v. James C. Beason, Case No. 99037-CA

Dear Ms. D'Alesandro:

During oral argument of this case, the Court raised questions about the relationship between the doctrines of invited error and plain error, which is "in most circumstances synonymous" with manifest injustice. State v. Verde, 770 P.2d 116, 121-22 (Utah 1989)).

The State cites State v. Perdue, 813 P.2d 1201, 1206 (Utah App. 1991) for the proposition that "if there was error, it was invited by defendant, and where invited error butts up against manifest injustice, the invited error rule prevails." See also State v. Medina, 738 P.2d 1021, 1023 (Utah 1987) (court refused to consider manifest injustice exception where defense counsel stated she had no objection to jury instruction claimed on appeal to be erroneous); State v. Kiriluk, 975 P.2d 469, 475 (Utah App. 1999) (declining to address the question of whether there had been a manifest injustice because the defendant "'invited the very error complained of on appeal'" (citing State v. Blubaugh, 904 P.2d 688, 700 (Utah App. 1995) ("the manifest injustice exception has no application in cases in which the defendant invited the very error complained of on appeal"))).

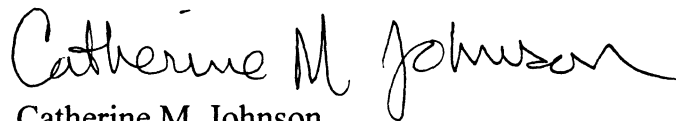
Rule 24(i) letter

State v. Beason, case no. 990371-CA

January 18, 2000

This supplemental authority is submitted pursuant to rule 24(i), Utah Rules of Appellate Procedure.

Sincerely,

A handwritten signature in black ink that reads "Catherine M. Johnson". The signature is written in a cursive, flowing style.

Catherine M. Johnson  
Assistant Attorney General

cc: Loni F. DeLand (attorney for defendant)